

## **JOINT BOARD MEETING**

**Examining Board of Architects, Landscape Architects, Professional Geologists,  
Professional Engineers, Designers and Land Surveyors**

### **MINUTES**

**MADISON, WISCONSIN**

**APRIL 16, 1998**

**PRESENT:** Fred Birts, Thomas Evans, Jay Fernholz, Dean Field, Ruth G. Johnson, Bruce Kieffer, Harold Kolb, Clint McCullough, John Margitan, Mark Nurczyk, Sharon Porter (arrived 10:06), Sheila Pudelko, Donna Rozar, David Schmalz, Harvey Shebesta, Joan Underwood (until 10:06)

**EXCUSED:** Teresa Adler, Dennis Brown, James Dorn, Frank Fronczak, Melvyn Hoffman, Daniel Jackson, Lisa Kennedy, David Mickelson, Rich Rettler, Roger Roslansky, Lisa Stark, Bernard Thompson

**STAFF PRESENT:** Alfred Hall, Wayne Austin, Michelle Krisher; Marlene Cummings, Patricia McCormack, William Dusso, Cletus Hansen, Roxanne Peterson, and Division of Enforcement staff were present for portions of the meeting.

**GUESTS PRESENT:** Mel Mitchell, Wisconsin Society of Professional Engineers  
Frank Thousand, Wisconsin Society of Land Surveyors  
Bill Babcock, American Institute of Architecture-Wisconsin  
Jim Rusch, Land Surveyors Section Nominee  
Pete Van Horn, Wisconsin Society of Professional Engineers

### **CALL TO ORDER**

The meeting was called to order at 10:00 a.m. by Clint McCullough, Vice-Chair. A quorum of 15 members was present.

### **AGENDA**

A correction to the agenda was made under item 3.b. to reflect that the minutes to be approved are for November 13, 1997.

**MOTION:** Donna Rozar moved, seconded by Dean Field, to adopt the agenda as amended. Motion carried unanimously.

### **MINUTES (04/17/97)**

**MOTION:** Mark Nurczyk moved, seconded by Harvey Shebesta, to disallow approval of the minutes of 04/17/97 based on incomplete transcription of the information requested. Motion withdrawn after further review of the minutes revealed the information requested.

The Board members discussed their concerns regarding the fact the transcript does not indicate who is speaking. It was suggested that the Board Chair identify the Board member who is planning to speak and/or the Board members identify themselves prior to speaking. The Board

recommended the Department inquire as to whether or not the air conditioning/ventilation system can be quieted so that tape recordings of the meetings are more audible.

MOTION: Jay Fernholz moved, seconded by Donna Rozar, to approve the minutes as written. Motion carried unanimously.

### **MINUTES (11/13/97)**

MOTION: David Schmalz moved, seconded by Sheila Pudelko, to approve the minutes as written. Motion carried unanimously.

### **ADMINISTRATIVE REPORT**

#### **Secretary Cummings' Report**

- **New Board Appointments**

The Board was informed of the appointments of Thomas J. Evans to the Professional Geologists Section, Frank Fronczak to the Professional Engineers Section, Lisa Stark to the Architects Section, and Harold Kolb, Robert Hoskins, and James Rusch to the Land Surveyors Section.

The Section was informed that Alfred Hall presented testimony on behalf of the Department and the Board before the Assembly Committee on Consumer Affairs in support of LRB 0451-1/1 relating to the qualifications of architects, landscape architects, and designers. The bill did not pass out of the Committee. Professional and public members of the Board were encouraged to be available to testify at future legislative hearings in order to provide testimony on behalf of the Board. It was recommended that the Sections separate their respective legislative initiatives and introduce them as separate bills.

The Board received information on the Board Member Workshop that is planned for May 14-15, 1998.

Secretary Cummings indicated that the Ad Hoc Advisory Committee on Enforcement has completed its discussions relating to enforcement issues and has developed a draft of recommendations for expediting cases through the case handling process and establishing timelines for that process. Board members interested in reviewing the draft of recommendations are encouraged to request a copy.

#### **William Dusso, Legal Counsel: Contested Case Timelines**

The Board received an outline of the roles and related responsibilities of legal service attorneys and enforcement attorneys and an outline of the steps involved in the case handling process. A summary report for cases opened, dated April 15, 1998, was also distributed to Board members. William Dusso explained the different roles of legal service attorneys and the enforcement attorneys and their involvement with the case handling process. Specific issues relating to a delay in the proposed decision relating to an engineering case, if resolved, will be discussed at the next Joint Board meeting.

Mr. Dusso suggested Board members identify and prioritize practices in their professions that are inappropriate.

#### **Bureau Director's Report**

- **Legislation**

The Board received information regarding the Department's procedures relating to review and analysis of bills pending in the legislature and proposed legislation developed in the Department. The roles of the Department and the Board that relate to legislation were discussed.

- **Summary of Delegated Application Approval**

Alfred Hall noted that the Sections have been identifying the types of applications that may be approved by Division staff if the applications meet the standards as defined by that Section. Finalization of the guidelines for application approval by Division staff will ensue during each of the Section's upcoming meetings.

- **Travel Reimbursement Requirements**

The Department's procedure for travel reimbursement was explained to the Board.

- **August 1998 Regulatory Digest Preparation**

The Board was informed that the Regulatory Digest is due to go out shortly. A Regulatory Digest is also scheduled to go out in August. Alfred Hall indicated he will be reviewing the minutes of all Section meetings and submitting suggestions for articles to the Vice-Chair of each individual Section.

## **LEGISLATIVE UPDATE**

### **Discussion of Section's Proposed Request for Legislation re: Renewal and Requirements for Restoring Registration After Late Renewal**

- **Licensing Information**

The Board received two bill drafts relating to a four year renewal cycle and renewal and reinstatement requirements for certificates of registration not renewed within 30 days of expiration. Noted.

Jacquelynn B. Rothstein's February 11, 1998, memo, relating to licensing information. Noted.

William Dusso's April 7, 1998, memo, relating to renewal procedures for plumbers. Noted.

The Board received Deputy Secretary Pat McCormack's April 16, 1998, memo, regarding a four-year renewal cycle of registrations. Deputy Secretary McCormack explained the fiscal impact of renewing registrations every four years rather than every two years. The Board requested information be obtained on the licensing and renewal fees of other states as compared to Wisconsin.

The Board received Cletus Hansen's April 15, 1998, memo, relating to late renewal of licenses. The Board was informed that the Board's proposal on late renewals will not be addressed by the Legislature during any special session that may be called. Mr. Hansen indicated he will request Secretary Cummings to consider including a proposal that addresses the late renewal problem in the next Biennial Budget proposal. He requested that each Section focus on the issue of consequences for an applicant's late renewal, not the issue of competency. Mr. Hansen believed a consequence of a monetary fee is concrete and deals with a practitioner's oversight for renewing timely.

MOTION: Donna Rozar moved, seconded by Jay Fernholz, to continue with the current renewal period of every two years and no longer consider a four-year renewal period. Motion carried unanimously.

- MOTION: Mark Nurczyk moved, seconded by David Schmalz, to defer issues (penalty and competency) relating to late renewal back to the Sections for further discussion and report at the next Joint Board meeting.
- MOTION: Dean Field moved to table these issues for further study. Motion failed for lack of a second.
- MOTION: David Schmalz moved, seconded by Mark Nurczyk, to amend the original motion to include that the Sections send their recommendations to the Rules Committee for further discussion and that the Rules Committee formulate some action for the next Joint Board. Motion carried unanimously.

The Board was informed that each Section's agenda will include discussion of issues relating to late renewals; i.e., comity, competency, penalty for late renewal. Each Section will report to the Rules Committee prior to the next meeting of the Rules Committee.

- **Summary of Section Actions**

It was recommended that the proposed changes be taken out and introduced separately.

## **ADMINISTRATIVE RULES UPDATE**

### **Committee Report**

The Board was informed one comment was received at the April 15, 1998, public hearing on CR-98-030 re: Registration and Regulation of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, questioning the deletion of subfields for private sewage systems. The rules will proceed to the legislature if there are no additional comments within the next 30 days.

The Board received a copy of the April 13, 1998, letter from the Wisconsin Society of Professional Engineers in support of CR-98-030.

## **EXAMINATIONS**

### **Discussion of Open Proctoring Examination Policy**

This will be listed on each Section's future agenda for further discussion.

## **SECTION ACTIVITY REPORTS**

### **Architects**

Bruce Kieffer reported that the Section will take its legislative initiative out of AB 655 and send it individually. Bruce Kieffer and Lisa Kennedy have been working with NCARB in the exam development. Ms. Kennedy will be attending the national meeting in June.

### **Landscape Architects**

Jay Fernholz reported that he attended the CLARB regional meeting recently. CLARB has completed a reciprocity validation examination which replaces the senior examination. Mr. Fernholz has been nominated as the alternate regional director for the election that will occur in November at the annual meeting.

### **Professional Geologists**

Tom Evans reported that Senate Bill 420, relating to the registration of professional geologists hydrologists and soil scientists, has died.

### **Professional Engineers**

Mark Nurczyk reported that Mark Giesfeldt, from the Department of Natural Resources, and William Morrissey, from the Department of Commerce, were present at the Section's last meeting to discuss issues relating to competent practices by registered engineers and the complaint processes and procedures of the Professional Engineers Section and the Department of Regulation and Licensing. The Section requested that an outreach program be developed where Division of Enforcement Staff could give presentations relating to the enforcement process.

The Section elected officers at its last meeting. Mark Nurczyk is Chair, Harvey Shebesta is Vice-Chair, and Sheila Pudelko is Secretary.

### **Designers**

Clint McCullough noted that election of officers was held at the Designer Section's last meeting. Clint McCullough is Chair, James Dorn is Vice-Chair, and Dean Field is Secretary.

The Section passed a motion to request that the provisions relating to qualifications for a permit as a designer of engineering systems be removed from AB 655 and that these provisions be drafted as separate legislation.

### **Land Surveyors**

David Schmalz reported that Robert Sheffers has resigned from the Land Surveyors Section. The Section will hold officer elections at its next meeting. The Section will discuss recommending Robert Sheffers for Emeritus Member Status of NCEES.

## **ELECTION OF OFFICERS**

### **Election of Chair**

- MOTION: Ruth G. Johnson moved, seconded by Fred Birts, to nominate Jay Fernholz as Chair of the Joint Board. Motion failed 6-yes, 9-no.
- MOTION: Mark Nurczyk moved, seconded by David Schmalz, to nominate Clint McCullough as Chair of the Joint Board. Motion carried 9-yes, 6-no.
- MOTION: Donna Rozar moved, seconded by Dean Field, that nominations be closed. Motion carried unanimously.

### **Election of Vice-Chair**

- MOTION: David Schmalz moved, seconded by Harvey Shebesta, to nominate Jay Fernholz as Vice-Chair of the Joint Board.
- MOTION: Mark Nurczyk moved, seconded by Dean Field, that nominations be closed. Motion carried unanimously.

MOTION: Fred Birts moved, seconded by Tom Evans, to cast a unanimous ballot for Jay Fernholz as Vice-Chair of the Joint Board. Motion carried unanimously.

### **Election of Secretary**

MOTION: Mark Nurczyk moved, seconded by Harvey Shebesta, to nominate Sheila Pudelko as Secretary of the Joint Board. Motion carried unanimously.

MOTION: Donna Rozar moved, seconded by Fred Birts, that nominations be closed. Motion carried unanimously.

### **NEW BUSINESS**

Clint McCullough informed the Board of Robert Sheffers' expression of appreciation of the efforts of the Board members.

MOTION: Mark Nurczyk moved, seconded by Sheila Pudelko, to recommend Robert Sheffers for Emeritus Member Status of NCEES. Motion carried unanimously.

### **ADJOURNMENT**

MOTION: Donna Rozar moved, seconded by Dean Field, to adjourn the meeting at 1:15 p.m. Motion carried unanimously.

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